

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,

PLAINTIFF,

-VS-

MONTGOMERY COUNTY BOARD
OF EDUCATION, ET AL.

DEFENDANTS.

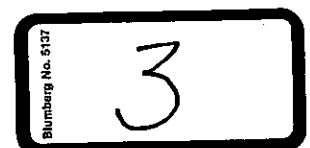
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CASE No. 2:05-cv-495-WKW

AFFIDAVIT OF JIMMY BARKER

Before me, the undersigned authority, in and for said county and state, personally appeared Jimmy Barker, who being known to me and being first duly sworn, deposes and says under oath as follows:

1. My name is Jimmy Barker. I am a black male over the age of nineteen and I have personal knowledge of the matters set forth herein.
2. I have been the Assistant Superintendent of Human Resources for the Montgomery County Board of Education since July 1998.
3. I know Melvin Lowe who was an employee of the Board. At all times, Lowe was a probationary, nontenured employee.
4. At the time of Lowe's hire in August 1999, Dr. Clinton Carter, a white male, was Superintendent of the Board. Following Dr. Carter's retirement, Dr. Carlinda Purcell, a black female, became Superintendent of the Board on December 1, 2004. She has served in that capacity since that time.
5. Mr. Lowe's principal at Daisy Lawrence was Erodean Jeter, a black female. Mr. Lowe's principal at Fitzpatrick Elementary School was Vera Thompson, a black female. Mr. Lowe's principal at Southlawn Middle School was Tina Minott, a black female. Mr. Lowe's principal during his second assignment at Daisy Lawrence was



Dr. James Owens, a black male. David Sikes, principal of Lee High School is a white male. Quesha Starks, principal of BTW Magnet School, is a black female. Bobby Abrams, principal of McKee Junior High School, is a black male.

Melvin Lowe's brother Marvin is a guidance counselor at Jefferson Davis High School and has enjoyed a successful career with Montgomery Public Schools.

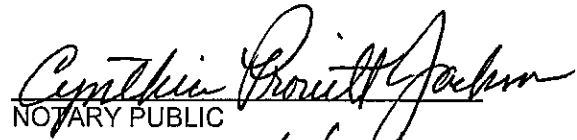
7. As I testified in my deposition, I am familiar with the positions at issue in this matter, including all the jobs Mr. Lowe referenced during his testimony that were not part of the Complaint he filed in federal court. In my position as Assistant Superintendent, personnel recommendations are funneled to me and after reviewing those recommendations, I make those reports to the Superintendent and we discuss the recommendations and what selections are most appropriate for each position. From that point, the Superintendent makes a final decision regarding what employee will be recommended to the Board. I am familiar with Lowe's credentials and the credentials of those who were selected for the subject positions. For each position, the most qualified person was recommended for the position.
8. I have never spoken to any of the principals or interview committees about Mr. Lowe's EEOC charge, lawsuit, or an alleged lawsuit of his mother. I have no knowledge that any person making the recommendations for the jobs in question was aware of Mr. Lowe's EEOC charge, lawsuit or his mother's alleged lawsuit, unless he told them. Other employees have filed EEOC charges and/or lawsuits against the Board who remain employed with the Board and have received promotions within the system after having filed their lawsuits.
9. I am unaware of any time wherein principals or interview committees made recommendations to me based on an applicant's sex or an applicant's race.

Further affiant saith not.


JIMMY BARKER

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Before me the undersigned Notary Public in and for State and County aforesaid, personally appeared **JIMMY BARKER**, who is personally known to me and who, being by me first duly sworn, doth depose and say that he signed the above affidavit to the best of his knowledge, information and belief and with full understanding of its effect.


NOTARY PUBLIC

(SEAL)

My Commission Expires: 11/6/06